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July 17, 2013

EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation in GN Docket No. 12-268, *Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network Corporation ("DISH") submits this letter summarizing a meeting on Monday July 15, 2013 with Courtney Reinhard, Legal Advisor, Wireless for Commissioner Pai. Present on behalf of DISH were Jeffrey Blum, Senior Vice President and Deputy General Counsel; Mariam Sorond, Vice President, Technology Development; Alison Minea, Director and Senior Counsel; Hadass Kogan, Associate Corporate Counsel; and John Kim, Technology Development Principal.

During the meeting, DISH urged adoption of the broadcast incentive auction band plan originally proposed by the Commission,¹ with the targeted modifications DISH previously identified (the "Down from 51 without Supplemental Downlink ("SDL")" plan).² Claims that the record reflects "industry consensus" are premature at this time; indeed, even parties who claim a "consensus" exists are independently advocating for different variants of the "Down from 51" band plan. DISH distributed the attached presentation, which illustrates the differences between the band plans proposed by AT&T and Verizon. DISH explained that the "Down from 51 without SDL" plan presents the best approach to achieve the Commission's goals of maximizing auction participation and ensuring the 600 MHz spectrum is efficiently utilized. As a result, this band plan will maximize the total revenue to be achieved at auction.

Auction Participation: DISH's proposed modifications to the NPRM Band Plan – which include designating a common paired downlink and uplink block – will prevent spectrum from being designated as SDL, thus ensuring that carriers of all size are motivated to participate in the

¹ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Notice of Proposed Rulemaking*, 27 FCC Rcd. 12357, 12399-402 ¶¶ 119-126 (2012).

² See DISH Network Corporation Reply Comments, GN Docket No. 12-268 (June 28, 2013).

600 MHz auction. Because smaller carriers without low band spectrum holdings will not be able to efficiently utilize SDL, the market-based incentives for smaller carriers to bid are lower for SDL spectrum than paired spectrum. Thus, a 600 MHz band plan will best promote participation by all carriers if it ensures evenly paired uplink spectrum will be available in every market.

In addition, DISH's paired approach will give carriers increased certainty and predictability in the global standards setting process, the Third Generation Partnership Project ("3GPP"), thereby increasing the industry's willingness to invest. In order to successfully deploy SDL, carriers must create customized SDL carrier aggregation combinations at 3GPP based on their particular spectrum holdings, which will (i) increase the complexity associated with creating a device ecosystem; and (ii) undermine interoperability in this spectrum. A paired approach facilitates the adoption of a common 3GPP band, resulting in better standards harmonization and economies of scale for handsets and other equipment.

Spectrum Utilization: The "Down from 51 without SDL" plan increases the current and future availability of low-band paired spectrum, an essential resource for new entrants and regional and local operators seeking to grow their business. As DISH has explained, this approach maximizes the amount of usable broadband spectrum; complies with the 2012 Spectrum Act's statutory mandate against excessive guard bands; and leaves open the possibilities for further, future expansion and harmonization.³

Revenue Maximization: Because the "Down from 51 without SDL" plan will lead to increased participation and bring the largest amount of paired and fungible spectrum to market, it provides the Commission with the best path forward to maximize revenue to be gained from the 600 MHz auction.

* * * * *

The "Down from 51 without SDL" plan remains the best path forward for ensuring a successful 600 MHz auction.

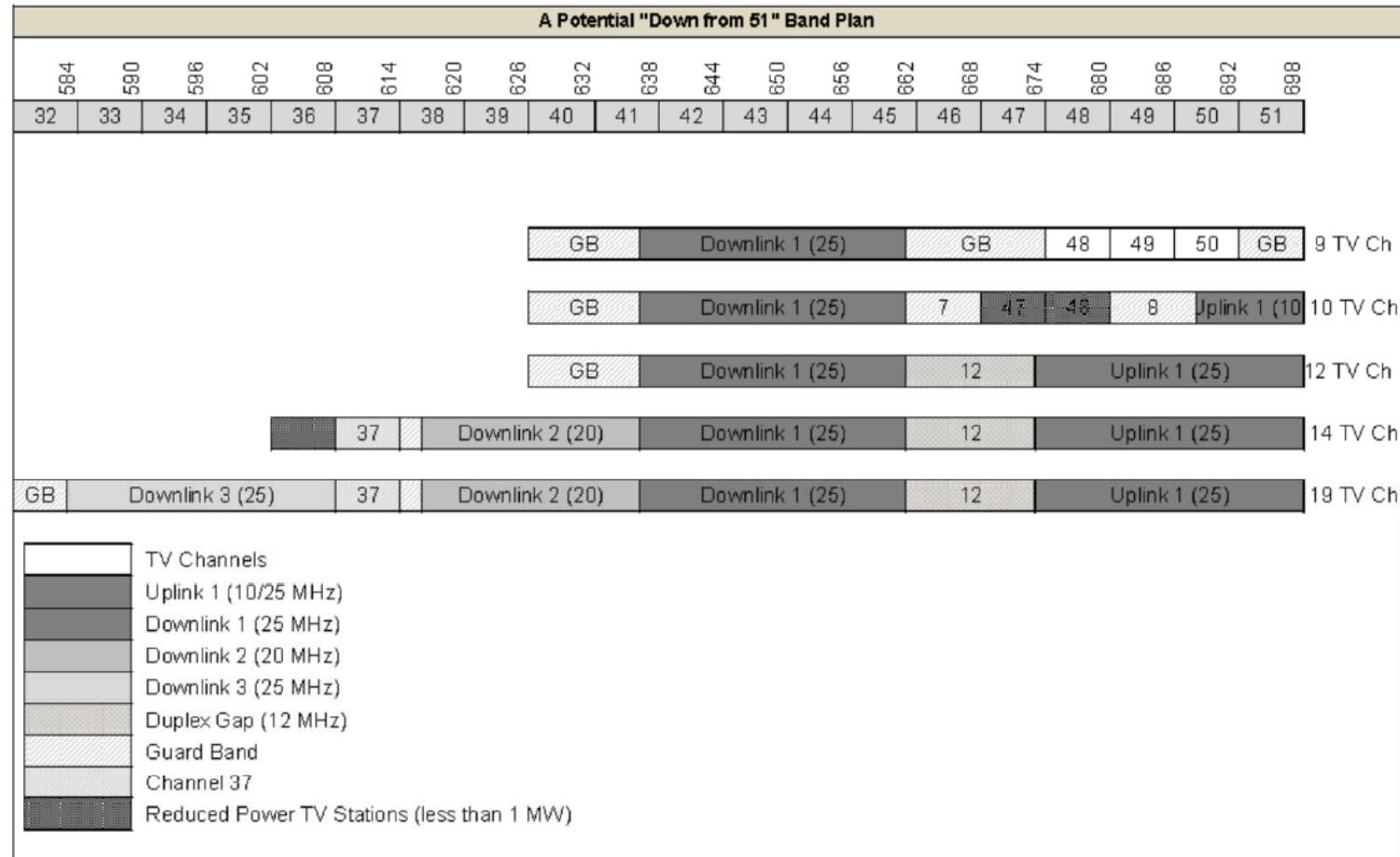
Respectfully submitted,
/s/ Jeffrey H. Blum
Jeffrey H. Blum

cc: Courtney Reinhard

Attachment

³ *Id.* at 1-2.

AT&T's Proposal¹

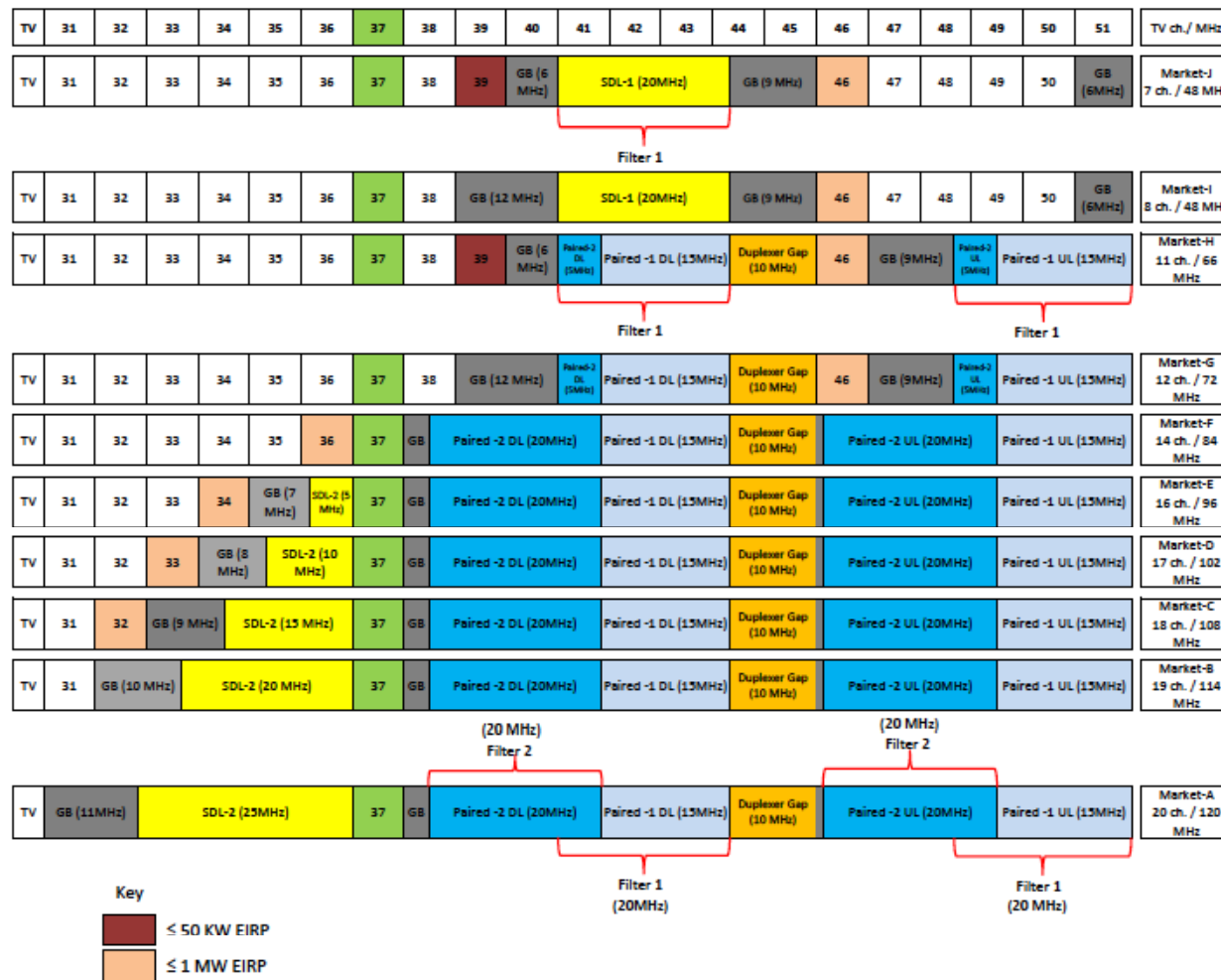


- Limits available paired spectrum
- Supplemental downlink is anti-competitive

Verizon Wireless' Proposal²

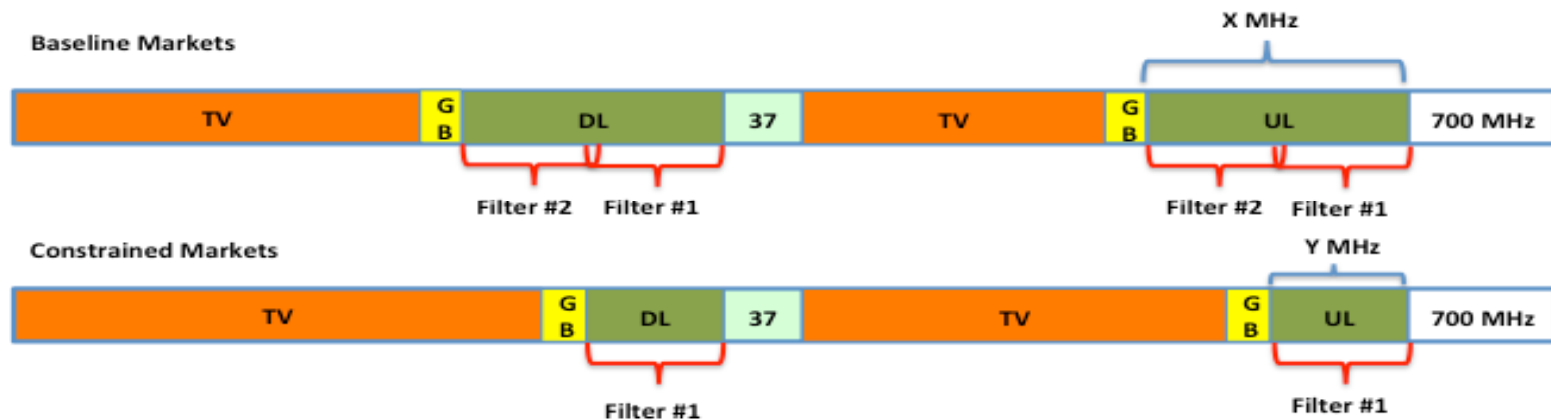
Exhibit A

Higher Clearing Scenario Band Plan 35x35MHz Two FDD pairs

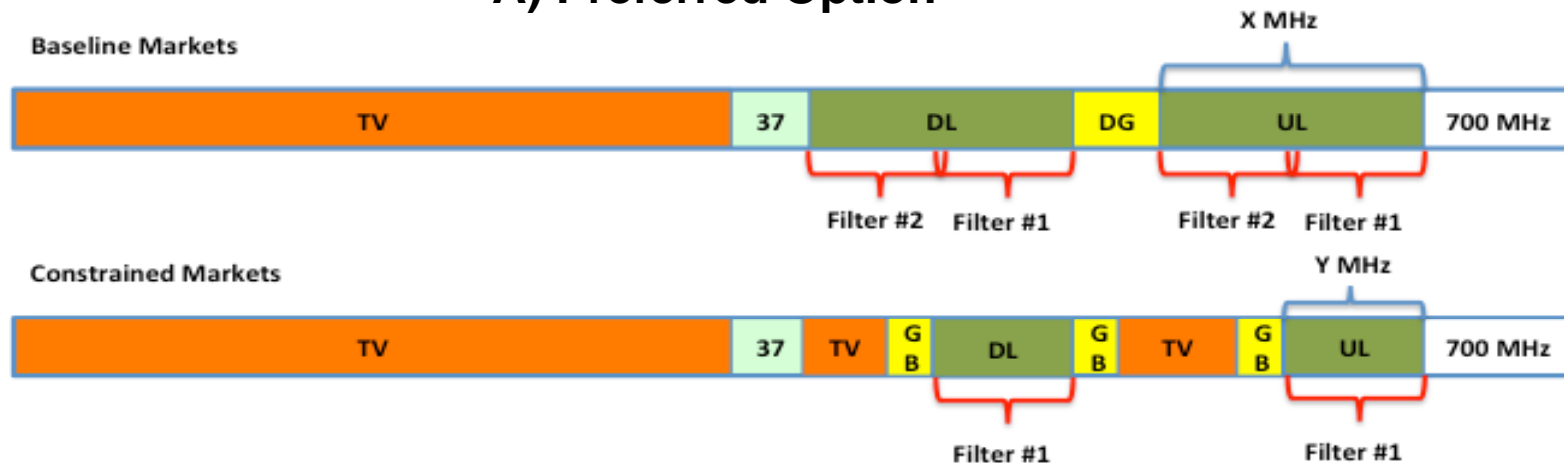


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DISH's Proposed Band Plans



A) Preferred Option



B) Above 37 Alternative